

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	No. 07 C 7147
	)	
V.	)	Judge Robert W. Gettlemen
	)	
FUNDS IN THE AMOUNT OF	)	
FORTY-TWO THOUSAND DOLLARS	)	
(\$42,000.00); and	)	
	)	
FUNDS IN THE AMOUNT OF	)	
ONE HUNDRED THIRTY-EIGHT	)	
THOUSAND, FIVE HUNDRED AND	)	
FORTY DOLLARS	)	
(\$138,540.00)	)	
	)	
Defendants.	)	

**MOTION OF THE UNITED STATES OF AMERICA  
FOR ENTRY OF A DEFAULT DECREE OF FORFEITURE**

The United States of America, by Patrick J. Fitzgerald, United States Attorney for the Northern District of Illinois, moves this court for the entry of a default decree of forfeiture. In support of this motion, the United States of America states as follows:

1. On December 20, 2007, the United States filed a verified complaint seeking forfeiture of funds in the amounts of forty-two thousand dollars(\$42,000) and one hundred thirty-eight thousand, five hundred and forty dollars(\$138,540), pursuant to 21 U.S.C. § 881(a)(6).
2. On the same date, the court issued warrants of seizure and monition to be executed by the United States Marshal Service against the defendant funds.
3. On December 27, 2007, the United States Marshal executed the warrants of arrest in rem and personally served the defendant funds.

4. The United States gave notice of this action to all known potential claimants and record owners by certified mail including: Karine Basmadjian, attorney for claimant Levon Vardapetyan, along with Grayr Demirthyan, Artur Vardapetyan and Sirarpi Davitian at their last known addresses. (Copies of the certificates of service are attached as Government Group Exhibit "A.")

5. Pursuant to Rule G(4)(a) of the Supplemental Rules for Admiralty and Maritime Claims for Forfeiture Actions, the United States Marshals Service published notice once beginning and ending on December 24, 2007, in the *Chicago Tribune*, directing that any claim be filed within 30 days of notice or the last date of publication and any answer be filed within 20 days of the filing of the claim. (A copy of the certificate of publication filed with the Clerk of the Court is attached as Government Exhibit "B.")

6. On January 28, 2008, Levon Vardapetyan filed a claim declaring ownership of the defendant funds.

7. To date, claimant did not file an answer for the defendant funds and the time for filing such an answer or other responsive pleading has since expired under applicable law.

8. Based on the verified complaint for forfeiture and the attached affidavit of Task Force Officer Geoffery Gibbs of the United States Drug Enforcement Administration, the United States has established that the defendant funds in the amounts of \$42,000 and \$138,540, were furnished or intended to be furnished in exchange for a controlled substance, were the proceeds from the sale of a controlled substance, and were monies used and intended to be used to facilitate narcotics trafficking, in a violation of the Controlled Substances Act, 21 U.S.C. § 801, *et seq.*, and are therefore forfeitable to the United States pursuant to 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America requests that this court enter a default decree of forfeiture in favor of the United States of America and against the defendant funds. A draft order is submitted herewith.

Respectfully submitted,

PATRICK J. FITZGERALD  
United States Attorney

By:

MADELEINE S. MURPHY  
Assistant United States Attorney  
219 South Dearborn Street, 5th Floor  
Chicago, Illinois 60604  
(312) 886-2070

## EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	Civil No. 07 C 7147
Plaintiff,	)	
	)	
v.	)	
	)	
FUNDS IN THE AMOUNT OF	)	
FORTY-TWO THOUSAND DOLLARS	)	<b>CERTIFICATE OF SERVICE</b>
(\$42,000.00); and	)	
	)	
FUNDS IN THE AMOUNT OF	)	
ONE HUNDRED THIRTY-EIGHT	)	
THOUSAND, FIVE HUNDRED AND	)	
FORTY DOLLARS	)	
(\$138,540),	)	
Defendants.	)	

I, Kela Ellis, a non-attorney, certify that pursuant to Supp. R. For Adm. M. and Forf. Claims G(4), I sent a Notice of Judicial Forfeiture Proceeding, a copy of the Complaint In Rem, and a copy of the Warrant to be served upon:

Artur Vardapetyan and Sirarpi Davitian  


via certified (12/26/07) and regular mail (1/11/08)

Grayr Demirtchyan  

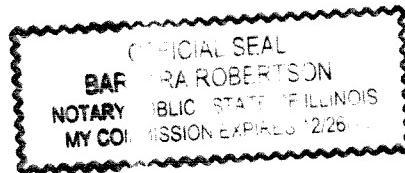

via certified mail (12/26/07)

by enclosing said property addressed envelope, postage paid, and depositing same in the United States mail at 219 S. Dearborn, Chicago, Illinois before the hour of 5:00 p.m. on the 26<sup>th</sup> day of December, 2007 and the 11<sup>th</sup> day of January, 2008.

Kela Ellis  
KELA ELLIS

SUBSCRIBED and SWORN to before me  
this 16<sup>th</sup> day of January 2008.

Beth Robertson  
NOTARY PUBLIC



[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7007 0710 0002 1569 [REDACTED]

Status: Delivered

Your item was delivered at 1:40 PM on December 29, 2007 in [REDACTED]

[REDACTED] WOOD, CA 91325 [REDACTED]

[Track & Confirm](#)

Enter Label/Receipt Number.

[Additional Details >](#) [Return to USPS.com Home >](#)

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

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[No FEAR Act EEO Data](#)[FOIA](#)

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Grayr Demirtchyan  
[REDACTED]

## A. Signature

X

Agent

Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

## 3. Service Type

- |   |   |
|---|---|
| <input type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail                   |
| <input type="checkbox"/> Registered     | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail   | <input type="checkbox"/> C.O.D.                         |

## 4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

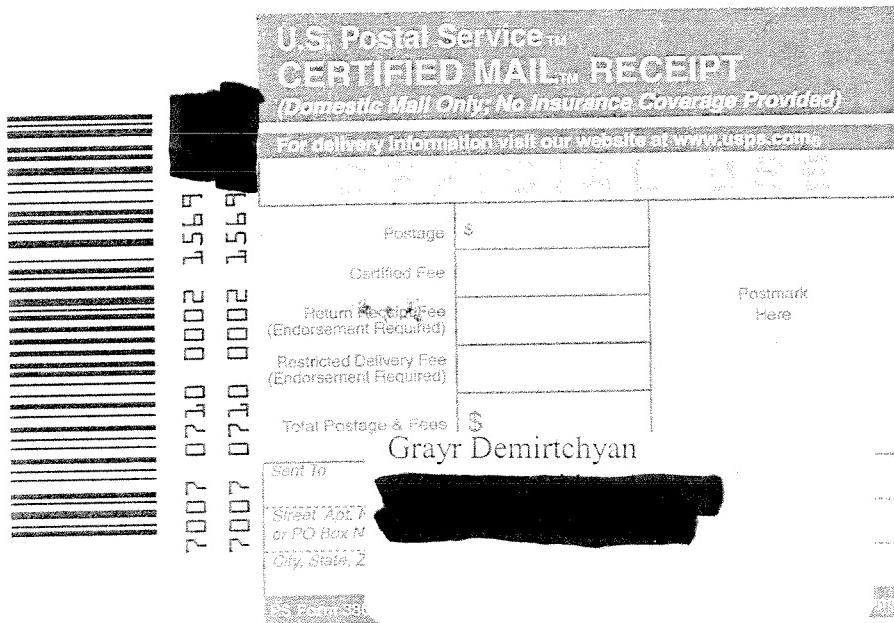
(Transfer from service label)

7007 0710 0002 1569 [REDACTED]

PS Form 3811, February 2004

\* Domestic Return Receipt

102595-02-M-1540



- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Artur Vardapetyan

E

A. Signature <b>X</b>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

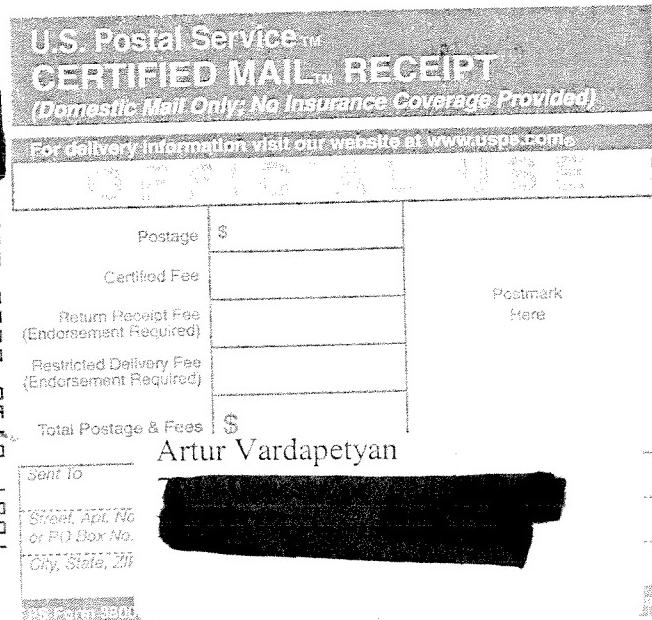
2. Article Number  
(Transfer from service label)

7007 0710 0002 1569

PS Form 3811, February 2004

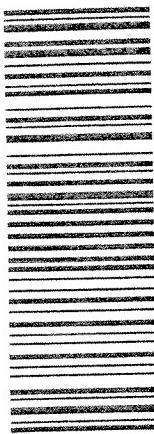
Domestic Return Receipt

102595-02-M-1540



**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only, No Insurance Coverage Provided)*

To get delivery information visit our website at [www.usps.com](http://www.usps.com)



7007 0710 0002 1569

7007 0710 0002 1569

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Sent To Sirarpi Davitian

Street, Ap  
or PO Box  
City, State

USPS

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Sirarpi Davitian

2. Article Number

*(Transfer from service label)*

7007 0710 0002 1569

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail                   |
| <input type="checkbox"/> Registered                | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail              | <input type="checkbox"/> C.O.D.                         |

4. Restricted Delivery? (Extra Fee)  Yes

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )  
                                )  
Funds in the amount of     )  
Forty-Two Thousand Dollars )      **CERTIFICATE OF SERVICE**  
(\$42,000.00); and            )  
                                )  
Funds in the amount of     )  
One Hundred Thirty-Eight    )  
Thousand, Five Hundred and )  
Forty Dollars                )  
(\$138,540),                 )  
Defendants.                 )

I, Kela Ellis, a non-attorney, certify that pursuant to Supp. R. For Adm. M. and Forf. Claims G(4), I sent a Notice of Judicial Forfeiture Proceeding, a copy of the Complaint In Rem, and a copy of the Warrant to be served upon:

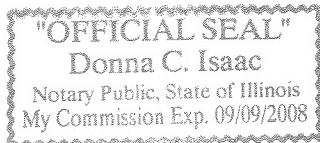
Karine Basmadjian, Esq.  
Attorney for Levon Vardapetyan  
520 East Wilson Avenue, Suite 220  
Glendale, California 91206

by enclosing said property addressed envelope, postage paid, and depositing same in the United States mail at 219 S. Dearborn, Chicago, Illinois before the hour of 5:00 p.m. on the 20<sup>th</sup> day of December, 2007.

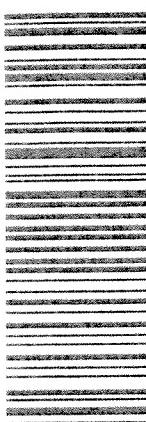
Kela Ellis  
KELA ELLIS

SUBSCRIBED and SWORN to before me  
this 26 day of December 2007.

Donna C. Isaac  
NOTARY PUBLIC





<b>CERTIFIED MAIL™ RECEIPT</b>			
(Domestic Mail Only: No Insurance Coverage Provided)			
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>			
 <b>3772 3772 5282 5282 0000 0000 0710 0710 7007 7007</b>	Postage	\$	
	Certified Fee		
	Return Receipt Fee (Endorsement Required)		
	Restricted Delivery Fee (Endorsement Required)		
	Total Postage & Fees	\$	
Sent To		Postmark Here	
Street, Apt. N or PO Box No. City, State, Zip			
PS Form 3800 Instructions			

Karine Basmadjian, Esq.  
520 East Wilson Ave., Ste. 220  
Glendale, CA 91206

#### SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

##### 1. Article Addressed to:

Karine Basmadjian, Esq.  
520 East Wilson Ave., Ste. 220  
Glendale, CA 91206

#### COMPLETE THIS SECTION ON DELIVERY

##### A. Signature

**X**

- Agent  
 Addressee

##### B. Received by (Printed Name)

##### C. Date of Delivery

##### D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:  No

##### 3. Service Type

- |   |   |
|---|---|
| <input type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail                   |
| <input type="checkbox"/> Registered     | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail   | <input type="checkbox"/> C.O.D.                         |

##### 4. Restricted Delivery? (Extra Fee) Yes

##### 2. Article Number

(Transfer from service label)

**7007 0710 0000 5282 3772**

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



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## Track & Confirm

### Search Results

Label/Receipt Number: **7007 0710 0000 5282 3772**

Status: Delivered

Your item was delivered at 10:28 AM on December 29, 2007 in  
GLENDALE, CA 91206.

[Track & Confirm](#)

Enter Label/Receipt Number.

### Notification Options

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Get current event information or updates for your item sent to you or others by email. [Go >](#)

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U.S. Equal Employment Opportunity Commission



U.S. Freedom of Information Act

## EXHIBIT B

U.S. Department of Justice

United States Marshals Service

PLAINTIFF  
UNITED STATES OF AMERICARECEIVED  
U.S. MARSHALCOURT CASE NUMBER  
07 C 7147

DEFENDANT

FORTY-TWO THOUSAND DOLLARS (\$42,000) &amp; ONE HUNDRED TWENTY-THREE THOUSAND, FIVE HUNDRED AND FORTY DOLLARS (\$138,540)

N. DIST. OF ILL.

TYPE OF PROCESS PUBLICATION/  
PRELIMINARY ORDER OF  
FORFEITURE

SERVE

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

AT

UNITED STATES MARSHALS SERVICE

ADDRESS (Street or RFD, Apartment No., City, State, and ZIP Code)

219 SOUTH DEARBORN, ROOM 2444 CHICAGO, ILLINOIS 60604

SEND NOTICE OF SERVICE TO REQUESTER AT NAME AND ADDRESS BELOW:

Number of process to be served  
with this Form - 285PATRICK J. FITZGERALD, UNITED STATES ATTORNEY  
UNITED STATES ATTORNEY'S OFFICE  
219 SOUTH DEARBORN, ROOM 500  
CHICAGO, ILLINOIS 60604  
ATTENTION: DAN MAY, AUSANumber of parties to be served  
in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Address, All Telephone Numbers, and Estimated Times Available For Service)

PLEASE PUBLISH IN A NEWSPAPER OF GENERAL CIRCULATION ONCE.  
07-DEA-487551 AND 07-DEA-487553.

PREPARED BY: K. ELLIS

Signature of Attorney or other Originator requesting service on behalf of:  MARSHA A. MCCLELLAN AUSA <i>Marsha A. McClellan</i>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER (312) 353-5300	DATE 12/20/07
---	---	------------------------------------	------------------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process No. _____	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date
---	----------------------------	---------------------------------	--------------------------------	--	------

I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc. at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below).

FILED  
1-18-08 A person of suitable age and discretion then residing in the defendant's usual place of abode.

Name and title of individual served (If not shown above).	JAN 18 2008			Date of Service 12/24/07	Time 11:00 am pm
Address (complete only if different than shown above).	MICHAEL W. DOBBINS CLERK, U.S. DISTRICT COURT			Signature of U.S. Marshal or Deputy <i>Melodyn Walker</i>	
Service Fee	Total Mileage Charges (including endorsements)	Forwarding Fee	Total Charges	Advance Deposits	Amount Owed to US Marshal or Amount of Refund

REMARKS:

Published in the Chicago Tribune once on 12/24/07

PRIOR EDITIONS MAY  
BE USED

SEND ORIGINAL + 2 COPIES to USMS.

FORM USM 285 (Rev. 12/15/80)

## ARREST WARRANT IN REM

07cv7147

JUDGE GETTLEMAN  
MAG JUDGE KEYSRECEIVED  
U.S. MARSHAL07 DEC 21 AM 10:54  
N. DIST. OF ILL.

UNITED STATES DISTRICT COURT

## FOR THE

NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION*To the United States Marshals Service:*

Whereas, on the 20<sup>th</sup> of December, A.D. 2007, a Verified Complaint for Forfeiture was filed in the United States District Court for said Northern District of Illinois, by PATRICK J. FITZGERALD, United States Attorney for said District, on behalf of the United States, against

funds in the amounts of forty-two thousand dollars (\$42,000.00)

and praying that all persons interested in said property may be cited in general and special, to answer the premises; and due proceedings being had, that the said property may, for the causes in said complaint mentioned, be condemned as forfeited to use of the United States.

YOU ARE THEREFORE HEREBY COMMANDED to attach the said property and to detain the same in your custody until further order of said Court respecting the same; and to give notice by publication in the CHICAGO TRIBUNE to all persons claiming the same, or knowing or having anything to say why the same should not be condemned as forfeited to the use of the United States, pursuant to the prayer of said complaint, that they be and appear before the said Court, at the city of Chicago within thirty (30) days after giving of notice, if the same shall be a day of jurisdiction thereafter, then and there to interpose a claim or right against the property for the same and to make their allegations in that behalf and that they file and serve their answers within twenty (20) days after the filing of said claim. And what you have done in the premises, do you then and there make return thereof, together with this writ.

WITNESS THE HONORABLE

UNITED STATES DISTRICT JUDGE AT

DATE

CLERK

MICHAEL W. DOBBINS

(12/20/07)

(BY) DEPUTY CLERK

*Jannette Nease*

Returnable \_\_\_\_\_ days after issue.

UNITED STATES MARSHALS SERVICE

DISTRICT

DATE THE WITHIN WRIT WAS RECEIVED AND  
EXECUTED

Northern Illinois

12/24/2007

U.S. MARSHAL

(BY) DEPUTY MARSHAL

*Kim R. Walker**Melinda Waldron*

## ARREST WARRANT IN REM

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION07cv7147  
JUDGE GETTELMAN  
MAG JUDGE KEYS*To the United States Marshals Service:*

Whereas, on the 20<sup>th</sup> of December, A.D. 2007, a Verified Complaint for Forfeiture was filed in the United States District Court for said Northern District of Illinois, by PATRICK J. FITZGERALD, United States Attorney for said District, on behalf of the United States, against

one hundred thirty-eight thousand, five hundred and forty dollars (\$138,540)

and praying that all persons interested in said property may be cited in general and special, to answer the premises; and due proceedings being had, that the said property may, for the causes in said complaint mentioned, be condemned as forfeited to use of the United States.

YOU ARE THEREFORE HEREBY COMMANDED to attach the said property and to detain the same in your custody until further order of said Court respecting the same; and to give notice by publication in the CHICAGO TRIBUNE to all persons claiming the same, or knowing or having anything to say why the same should not be condemned as forfeited to the use of the United States, pursuant to the prayer of said complaint, that they be and appear before the said Court, at the city of Chicago within thirty (30) days after giving of notice, if the same shall be a day of jurisdiction thereafter, then and there to interpose a claim or right against the property for the same and to make their allegations in that behalf and that they file and serve their answers within twenty (20) days after the filing of said claim. And what you have done in the premises, do you then and there make return thereof, together with this writ.

WITNESS THE HONORABLE

UNITED STATES DISTRICT JUDGE AT

DATE 12/20/07	CLERK MICHAEL W. DOBBINS
(BY) DEPUTY CLERK Garrett Menez	

Returnable \_\_\_\_\_ days after issue.

UNITED STATES MARSHALS SERVICE

DISTRICT Northern Illinois U.S. MARSHAL Kim R. Widup	DATE THE WITHIN WRIT WAS RECEIVED AND EXECUTED 12/24/2007 (BY) DEPUTY MARSHAL Melody n Waldron
---	--

# Chicago Tribune

## CERTIFICATE OF PUBLICATION

Chicago Tribune Company hereby certifies that it is the publisher of the Chicago Tribune; that the Chicago Tribune is an English language newspaper of general circulation, published daily in the City of Chicago, County of Cook and State of Illinois; that the Chicago Tribune has been so published continuously for more than one year prior to the date of first publication mentioned below and is further a newspaper as defined in Ill. Rev. Stat. Ch. 100, SS 5 & 10; that the undersigned is the duly authorized agent of the Chicago Tribune Company to execute this certificate on its behalf; and that a notice of which the annexed is a true copy was printed and published in said newspaper (1) times(s) and on the following dates:

**Starting 12/24/07 and Ending 12/24/07**

the first publication being on the earliest of said dates and the last publication being on the latest of said dates.

Executed at Chicago, Illinois this 24TH day of December, 2007.

CHICAGO TRIBUNE COMPANY  
  
By \_\_\_\_\_

**NOTICE OF FORFEITURE  
ACTION**

On December 20, 2007 the United States Attorney for the Northern District of Illinois filed a Verified Complaint for Forfeiture against funds in the amounts of \$42,000.00 and \$138,540.00, pursuant to 21 U.S.C. § 881 and two Arrests Warrants in Rem were issued by the Clerk of the Court.

Pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty and Maritime Claims for Forfeiture Actions, direct notice of this action was sent to Karine Basmadjian, attorney for Levon Vardapetyan on December 20, 2007.

Any person who asserts an interest in the defendant property may contest the forfeiture by filing a claim in the United States District Court, Northern District of Illinois, at 219 South Dearborn Street, 20th Floor, Chicago, Illinois 60604 under case U.S. v. Funds In The Amount Of Forty-two Thousand Dollars (\$42,000.00) and One Hundred Thirty-Eight Thousand, Five Hundred and Forty Dollars (\$138,540) 07 C 7147 by January 24, 2007 in accordance with Rule G(5) of the Supplemental Rules for Admiralty and Maritime Claims for Forfeiture. Additionally, a claimant must serve and file an answer to the complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure within 20 days after filing the claim.

Claims and Answers are to be filed with the Clerk, United States District Court for the Northern District of Illinois, at 219 South Dearborn Street, 20th Floor, Chicago, Illinois 60604 with a copy thereof sent to Assistant United States Attorney Madeleine Murphy at 219 South Dearborn Street, Room 500, Chicago, Illinois 60604.

DATED: December 20, 2007